

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

WSOU INVESTMENTS, LLC d/b/a  
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

No. 6:20-cv-00725-ADA

**JURY TRIAL DEMANDED**

**CASE READINESS STATUS REPORT**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”) and Defendant Hewlett Packard Enterprise Company (“HPE”), hereby provide the following case readiness status report in advance of the initial Case Management Conference (“CMC”).

**FILING AND EXTENSIONS**

Brazos’s Complaint was filed on August 12, 2020. There has been one extension for a total of 45 days.

**RESPONSE TO THE COMPLAINT**

On October 23, 2020, HPE responded to Brazos’s Complaint by filing a Motion to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6). *See* Dkt. 19. No counterclaims have been filed.

**PENDING MOTIONS**

The only pending motion is HPE’s Motion to Dismiss Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 19).

**RELATED CASES IN THIS JUDICIAL DISTRICT**

There are no related cases in this judicial district involving the same patent. There are six other cases pending in this Judicial District involving the same parties but different patents, including: Case Nos. 6:20-cv-00726; 6:20-cv-00727; 6:20-cv-00728; 6:20-cv-00729; 6:20-cv-00730; and 6:20-cv-00783.

**IPR, CBM, AND OTHER PGR FILINGS**

There are no known IPR, CBM, or other PGR filings.

**NUMBER OF ASSERTED PATENTS AND CLAIMS**

Brazos has asserted 1 patent (U.S. Patent No. 7,280,534). Brazos anticipates serving its preliminary infringement contentions on Friday, November 6, 2020, asserting a total of 5 claims.

**APPOINTMENT OF TECHNICAL ADVISER**

The parties do not request a technical adviser be appointed to the case.

**MEET AND CONFER STATUS**

Brazos and HPE conducted a meet & confer conference on October 29, 2020, and again on November 2, 2020. The parties note the following issues for potential discussion at the CMC:

**Pre-Markman Discovery (Disputed)**

Defendant intends to request pre-*Markman* discovery on assignment issues relating to the asserted patent, on the basis that the discovery is relevant to jurisdiction (specifically, standing), and further that it is likely to involve international discovery that should at least be initiated before *Markman* due to the time frame involved.

Plaintiff believes that any pre-*Markman* discovery on assignments would be speculative and premature and should be stayed until after the *Markman* hearing pursuant to the Court's standing Order Governing Proceedings – Patent Case.

**Procedure for Motions to Transfer (Agreed)**

Defendant plans to move for a transfer of venue after the CMC. The parties jointly propose that Defendant be permitted to file a consolidated motion that applies to this case and one or more of the related cases identified above, to the extent they have overlapping facts relevant to transfer, and that the briefing on such a consolidated transfer motion proceed according to Paragraph 4 of the Court's standing Order Governing Proceedings – Patent Cases.

**Markman Hearing (Agreed)**

For efficiency, the parties jointly propose that the Court conduct a single *Markman* hearing that encompasses this case and the 6 other related cases identified above.

**Discovery Limits (Disputed)**

Defendant believes that Plaintiff's seven lawsuits asserting one patent each do not require seven cases' worth of discovery, and Defendant proposes instead that the standard discovery limits (listed below) apply to the seven related cases in total, subject to the caveat that the parties will meet and confer on potential expansions of these limits if specific issues arise that one or more parties believe require more discovery:

1. Interrogatories: 30 per side
2. Requests for Admission: 45 per side
3. Requests for Production: 75 per side
4. Fact Depositions: 70 hours per side (for both party and non-party witnesses combined)
5. Expert Depositions: 7 hours per report

Plaintiff believes that its seven lawsuits present unique and non-overlapping issues regarding the infringement of the patents asserted in each case, which are not related to each other, and that it would be improper to require the parties to litigate seven separate cases with the discovery limits of a single case. For the purposes of efficiency, Plaintiff proposes the following

combination of common (which can be used across all of the seven cases) and case-specific (which case only be used for a specific case) discovery limitations:

1. Interrogatories: 8 common and 12 case-specific per side
2. Requests for Admission: 10 common and 20 case-specific per side
3. Requests for Production: 10 common and 35 case-specific per side
4. Fact (Party) Depositions: 10 common hours and 21 case-specific hours per side
5. Fact (Third Party) Depositions: 21 case-specific hours per side
6. Expert Depositions: 7 hours per report (if the same report applies to multiple cases: 3 common hours and 4 case-specific hours per report)

Respectfully submitted,

Dated: November 5, 2020

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